

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6723

JIMMY L. WEBB,

Plaintiff - Appellant,

versus

JOHN DOE, Orthopedic doctor; GREENVILLE MEDICAL
DEPARTMENT,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-97-420)

Submitted: July 22, 1998

Decided: August 10, 1998

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jimmy L. Webb, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jimmy L. Webb filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or orders. Fed. R. App. P. 4(b). The only exception to the appeal period is when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) upon a showing of excusable neglect or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on August 11, 1997. On February 19, 1998, Webb moved to file a late notice of appeal. On April 9, 1998, the district court, finding that Webb demonstrated good cause, extended the appeal period until May 15, 1998. Webb complied with the district court's order and filed a notice of appeal on that date. We find, however, that the district court impermissibly extended the appeal period beyond that prescribed in Fed. R. Civ. P. 4(a)(5). See Fed. R. App. P. 4(a)(5); see generally Ali v. Lyles, 769 F.2d 204, 205 (4th Cir. 1985). Accordingly, we dismiss the appeal as untimely. We dispense with oral argument because the facts and legal contentions are adequately presented in

the materials before the court and argument would not aid the decisional process.

DISMISSED